

BEFORE THE

In the Matter of

Federal Communications Commission

Amendment of Section 73.202(b),
Table of Allotments
FM Broadcast Stations

WASHINGTON, D.C. 20554

MM Docket _____
RM _____

Milledgeville and Covington, GA

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PETITION FOR RULE MAKING

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

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1300 North 17th Street
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December 23, 1996

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Milledgeville and Covington, GA

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Directed to: The Chief, Mass Media Bureau

PETITION FOR RULE MAKING

Scotts Trail Radio, Inc., assignee of Station WLRR (FM), Channel 264A, Milledgeville, Georgia, hereby petitions the Commission to institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's rules, pursuant to Section 1.420(i) of those rules, as follows:

	<u>Present</u>	<u>Proposed</u>
Milledgeville, GA	264A, 272A	272A
Covington, GA	—	264C3

In support of this petition and the modification of the WLRR license to specify operation on Channel 264C3 at Covington, the following is shown:

I. The Allotment of Channel 264C3 to Covington is in the Public Interest.

1. The Engineering Statement of Carl T. Jones Corporation attached hereto (Attachment 1) shows that the allotment of Channel 264C3 to Covington is mutually exclusive with the licensed assignment for WLRR at Milledgeville, qualifying this petition for treatment under Section 1.420(i).¹

2. The city of Milledgeville has a population, according to the 1990 U.S. Census, of 17,727. The city of Covington has a 1990 census population of 10,026. Milledgeville has licensed to it, in addition to WLRR, stations WKZR (FM) and WXGC (NCE-FM), and AM stations WKGQ and WFVG. Covington has licensed to it AM station WGFS, 1430 KHz.

3. The proposed allotment of Channel 264C3 to Covington rather than allotment of Channel 264A to Milledgeville should be evaluated under the fourth priority for FM allotments, i.e., public interest matters other than first or second aural service or first local service.² Allotment of Channel 264C3 to Covington will produce an arrangement better serving the public interest than does the present Milledgeville/Covington allotment arrangement.³ The reallocation of Channel 264 to Covington will provide the first local FM

¹Engineering Statement, Table 1.

²Neither the allotment of 264A to Milledgeville nor the allotment of 264C3 to Covington provides any area or population with a first or second aural service. Engineering Statement, p. 2.

³"[W]e would determine whether a proposed change would better serve the allotment priorities than the existing allotment by comparing the proposed allotment plan to the existing allotment plan for the communities involved." Memorandum Opinion and Order, MM Docket 88-526, 5 FCC Rcd 7094 (1990).

service and the first competitive local radio voice for Covington. Milledgeville will continue to have four local radio voices, including two FM and two AM stations. Moreover, the reallocation of Channel 264 to Covington for use as a Class C3 station represents a more than threefold service gain of approximately 120,000 persons. The licensed WLRR facility provides 1 mV/m service to 49,918 persons, while a Class C3 facility at the Covington reference site will provide 1 mV/m service to 169,909 persons.⁴ The Commission has recognized that both provision of a second local transmission service⁵ and substantial population service gain⁶ are important public interest matters favoring an allotment. The reallocation of Channel 264 to Covington for use by WLRR as a C3 station achieves both of these public interest objectives; allotment of Channel 264A to Milledgeville does not.

II. This Petition Complies with FCC Separation Requirements

4. The proposed allotment of Channel 264C3 to Covington complies with the separation requirements of Section 73.207, as shown in the attached Engineering Statement. In particular, this proposed allotment is not in conflict with an FM allotment rulemaking in which the Commission was asked to change the community of license of WHMA-FM, Anniston, Alabama, to Sandy Springs, Georgia (MM Dkt. No. 89-585). During the pendency

⁴Engineering Statement, pp. 1 and 2.

⁵Report and Order in MM Docket 88-526, 4 FCC Rcd 4870 (1989) at 4874, n. 25: "Communities A and B have roughly the same population. Under such circumstances, second local service is clearly of a higher priority than sixth local service."

⁶Second Report and Order in MM Docket 90-189, 11 FCC Rcd 8117, 8121 (1996).

of an application for review of the denial on October 25, 1991, of that proposal⁷, a proposed downgrade of WSSL-FM, Gray Court, South Carolina, upon which the proposed reallocation of WHMA-FM to Sandy Springs was contingent, was abandoned, making the reallocation to Sandy Springs impossible.

5. The background of the Sandy Springs proposal is as follows. On February 12, 1990, Emerald Broadcasting of the South, Inc. ("Emerald") then the licensee of WHMA-FM, Anniston, Alabama, requested the Commission to change the community of license of WHMA-FM to Sandy Springs, Georgia, and downgrade the station from Channel 263C to Channel 263C1. Emerald acknowledged that its proposed reallocation was short spaced to WSSL-FM, Channel 263C, Gray Court, South Carolina. Emerald claimed, however, that the short spacing would be eliminated if WSSL-FM was downgraded from Channel 263C to Channel 263C1. On the same day that Emerald filed its reallocation request, an application for a downgrade of WSSL-FM to Channel 263C1 was submitted. On November 9, 1990, the Mass Media Bureau granted WSSL-FM's downgrade application. In its subsequent order denying the reallocation, the Bureau recognized that WSSL-FM's downgrade was "a necessary and integral element" of Emerald's reallocation proposal.⁸ The Bureau was able to resolve the short spacing issue involving WSSL-FM only because WSSL-FM had filed its downgrade application on or prior to the date that Emerald's reallocation proposal was submitted and the

⁷Eatonton and Sandy Springs, Georgia, and Anniston and Lineville, Alabama, 6 FCC Rcd 6580 (1991).

⁸Id. at 6586 n.39.

downgrade application had been granted prior to the Bureau's decision regarding the reallocation .

6. Subsequent to the Bureau's decision, however, during the pendency of Emerald's application for review of the Commission's denial of the reallocation proposal, the licensee of WSSL-FM allowed WSSL-FM's downgrade construction permit to lapse on three different occasions,⁹ failed to resubmit a license application covering the permit which the Bureau had returned as incomplete,¹⁰ and eventually abandoned the permit entirely, allowing it to expire in early 1994 without taking efforts to reinstate it.¹¹ On April 11, 1994, the Commission officially canceled the permit.¹² WSSL-FM did not contest the cancellation, and the cancellation became final on May 28, 1994.^{13 14}

⁹See Application for Reinstatement filed May 11, 1992 (File No. BMPH-920511JL); Application for Reinstatement filed January 8, 1993 (File No. BMPH-930108JB); Application for Reinstatement filed June 7, 1993 (File No. BMPH-930607JC).

¹⁰See Application for License filed January 11, 1993 (File No. BLH-930111KG).

¹¹See Commission's BAPS Facility/Application Information Report dated October 26, 1996, page 3123. (Attached as Attachment 2 hereto.)

¹²See Public Notice, Report 15782, dated April 18, 1994, pp. 1, 8. (Attached as Attachment 3 hereto.)

¹³See footnote 11 (reflecting that no further reinstatement application has been filed); FM Engineering Data Base, dated November 11, 1996, page 2921(reflecting that the permit has been deleted from the Commission's engineering data base).

¹⁴WSSL-FM remains, and has been at all times since Emerald filed its proposal, a Class C station. After grant of a construction permit to downgrade an existing FM station to a lower class, the Commission continues to protect the existing higher class facilities until the lower class facilities are licensed. The FM Table of Allotments is not amended to reflect the downgraded class until licensing of the lower class facilities takes place. FM Allotments (Downgrading Procedures), 66 RR 2d 41, 43-44 (1989).

7. Upon the final termination on May 28, 1994, of WSSL-FM's downgrade proposal, reallocation of Channel 263 to Sandy Springs, Georgia, became no longer technically possible and Emerald's application for review of the Commission's denial of the reallocation remains pending due merely to administrative oversight.¹⁵ The proposed reallocation to Sandy Springs has always been a contingent proposal, requiring WSSL-FM's voluntary downgrade before the reallocation could be implemented. When WSSL-FM's construction permit was canceled, fulfillment of the contingency became impossible, making Emerald's proposal unviable and, thus, unacceptable, ungrantable and ripe for dismissal. Emerald was aware of and recognized this contingency when it filed its reallocation request, taking steps to ensure that an application for the downgrade of WSSL-FM was filed the same day as Emerald's proposal.¹⁶ Emerald, accordingly, accepted the risk that its proposal must be dismissed if the downgrade was no longer being prosecuted, as has been the case since May 28, 1994. Moreover, the moment Emerald's February 12, 1990, Sandy Springs proposal lost its viability and became unacceptable, such loss was permanent. The proposed reallocation of Channel 263C1 to Sandy Springs has been nonviable since at least May 28, 1994; its appearance in the FCC's records at this time is no more than an anachronism. Expungement of the proposal from FCC pending records is merely a ministerial act; no discretionary act is involved.

¹⁵Petitioner is contemporaneously filing a motion to dismiss Emerald's application for review and terminate the associated rulemaking proceeding.

¹⁶Emerald's attorney filed the application for downgrade of WSSL-FM with the Commission.

III. Conclusion

8. The allotment of Channel 264C3 to Covington, Georgia, better serves the public interest than does the present allotment of Channel 264A to Milledgeville, and a Notice of Proposed Rulemaking should be issued proposing allotment of Channel 264C3 to Covington. The allotment is, as shown above, in compliance with all of the minimum distance separation requirements of Section 73.207 of the Commission's rules.

9. Upon conclusion of the action by the Commission to allot Channel 264C3 to Covington and modify the WLRR license accordingly, Scotts Trail Radio, Inc., will promptly take all steps necessary to implement the new allotment, including submission of the necessary permit application to the Commission and the subsequent construction of the new WLRR facilities.¹⁷

WHEREFORE, the Commission is requested to issue a Notice of Proposed Rulemaking consistent with the foregoing Petition.

Respectfully submitted,

SCOTTS TRAIL RADIO, INC.

By: 

James P. Riley
Ann Bavender

Their Attorneys

¹⁷Scotts Trail Radio, Inc., as assignee of WLRR, is permitted to file this petition. See, Report and Order, MM Docket 89-585, 6 FCC Rcd 6580 (1991) at 6582, n19.

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December 23, 1996

CARL T. JONES
CORPORATION

**STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS**

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by the assignee of WLRR(FM), Milledgeville, Georgia, to prepare this statement in support of a Petition to Amend the FM Table of Allotments, Section 73.202(b) of the FCC Rules. The petitioner requests that Section 73.202(b) of the FCC Rules be modified in the following manner:

	<u>Present</u>	<u>Proposed</u>
Milledgeville, Georgia	264A, 272A	272A
Covington, Georgia	-----	264C3

The Petitioner proposes that Channel 264C3 be reallocated to Covington, Georgia, as that community's first local FM service. Covington, Georgia, is a city listed in the 1990 U. S. Census with a population of 10,026 persons. The licensed Class A WLRR(FM) facility is predicted to provide 60 dBu (1.0 mV/m) service to 49,918 persons. A full Class C3 facility (25 kW ERP @ 100 meters HAAT), located at the Covington, GA, allocation

STATEMENT OF WILLIAM J. GETZ
PAGE 2

reference coordinates described below, is predicted to provide 60 dBu service to 169,909 persons. The removal of WLRR(FM) from Milledgeville will not leave any areas with fewer than two aural services and the new Covington service does not include any area where the station will provide a first or second aural service.

An engineering study of all pertinent allotments and assignments and applications revealed that Channel 264C3 can be allotted to Covington, Georgia, with a site restriction of 16.3 km southeast.¹ Table 1 is an FM Allocation Study performed on Channel 264C3. As illustrated in Table 1, the allocation reference site for Channel 264C3 at Covington, Georgia, satisfies the Commission's minimum distance spacing requirements with respect to all pertinent assignments, allotments and applications.

This Petition for Rulemaking is in conflict with the proposed addition of channel 263C1 in Sandy Springs, Georgia.² It is submitted that the allotment plan presented in the Emerald Broadcasting of the South, Inc. (Emerald) Anniston-to-Sandy Springs reallocation proceeding is no longer valid and is not entitled to protection.

¹ The allotment reference coordinates for Channel 264C3 at Covington, Georgia, are 33° 28' 34" N.L. and 83° 45' 34" W.L.

² See Report and Order in MM Docket No. 89-585 *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eatonton and Sandy Springs, Georgia, and Anniston and Linville, Alabama)*, Adopted October, 25, 1991, Released October 25, 1991, (6 FCC Rcd 6580 [1991]) ("Anniston-to-Sandy Springs reallocation proceeding").

STATEMENT OF WILLIAM J. GETZ
PAGE 3

The reallocation proposal submitted in the Anniston-to-Sandy Springs reallocation proceeding was denied in 1991 and an Application for Review remains pending before the Commission. The Sandy Springs reallocation to channel 263C1 is *dependant* upon a downgrade for WSSL-FM, Gray Court, South Carolina from a Class C facility to a Class C1 facility. During the pendency of the Sandy Springs allocation process, WSSL-FM held a Class C1 construction permit (FCC File No. BPH-9002121B) and was committed to the downgrade. The Commission allowed the short-spacing between the WSSL-FM Class C Licensed facility and the proposed Sandy Springs Channel 263C1 allocation only because, as stated in paragraph 14 of the Anniston-to Sandy Springs Report and Order, "the Commission has since granted the [WSSL-FM Class C1] construction permit application, so that there is now an authorized transmitter site for the Gray Court station which meets the spacing requirements to Emerald's proposal".

The WSSL-FM, Gray Court, SC, Class C1 construction permit has since expired. Radio station WSSL-FM is now a Class C facility (FCC File No. BMLH-930820KC) with no authorized Class C1 transmitter site which meets the spacing requirements to Emerald's proposal. According to the most recent FCC Engineering Database no pending applications are on file for WSSL-FM which propose a transmitter site which meets the spacing requirements to Emerald's proposal. As a result, the technical plan presently before the Commission in Emerald's Application for Review was effectively invalidated with the expiration of the Class C1 construction permit at Gray Court.

STATEMENT OF WILLIAM J. GETZ
PAGE 4

This statement was prepared by me or under my direct supervision and is believed to be true and correct.

DATED: December 5, 1996


William J. Getz

Table 1
Page 1 of 2

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Study Name: WLRR-C3           Date: 12/ 5/1996   Time: 8:37   Page: 1
Covington , GA              Date of Data Base: 11/27/96
ZONE 2
Channel: 264C3 Section 73.207 Spacings
Latitude:   33 28 34
Longitude:  83 45 34
Translators Not Included
Nearest FOB Station or Quiet Zone: Powder Springs, GA   99.17 Km 296.0 Deg.

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SER	CHAN	CALL	CITY AND STATE	LATITUDE	LONGITUDE	FILE NO	STATUS	ERP	HAAT	BEAR	DIST	REQD	CLEAR
FM 211C1	WABE	Atlanta	GA 33 48 18	84 8 40	BLED-830330AD	LIC	D	96.000	296	315.8	51.05	24.0	27.05
FM 261A	WFXMFM	Forsyth	GA 32 58 27	83 52 2	BLH-6007	LIC		3.000	91	190.2	56.57	42.0	14.57 CLOSE
FM 261A	WLOVFM	Washington	GA 33 43 50	82 43 10	BLH-7093	LIC		2.400	98	73.3	100.57	42.0	58.57
FA 261A		Talking Rock	GA 34 37 54	84 31 24	-	VACANT		.000	0	331.5	146.30	42.0	104.30
R	Site Restricted 13.6 km North-Effective 9-28-95												
FA 261A		Phenix City	AL 32 30 42	85 0 41	-	USED		.000	0	227.8	158.53	42.0	116.53
G	Coordinates updated from LIC record BLH871027KD												
FA 261A		Forsyth	GA 32 58 27	83 52 2	-	USED		.000	0	190.2	56.57	42.0	14.57 CLOSE
G	Coordinates updated from LIC record BLH6007												
FA 261A		Washington	GA 33 43 50	82 43 10	-	USED		.000	0	73.3	100.57	42.0	58.57
G	Coordinates updated from LIC record BLH7093												
FM 261A	NEW	Talking Rock	GA 34 41 55	84 26 3	-951030MB	APP		3.500	130	335.6	149.22	42.0	107.22
FM 261A	WGSY	Phenix City	AL 32 30 42	85 0 41	BMLH-900403KA	LIC		6.000	100	227.8	158.53	42.0	116.53
FM 261A	NEW	Talking Rock	GA 34 38 24	84 29 59	-951030MC	APP		6.000	100	332.4	146.07	42.0	104.07
FM 261A	NEW	Talking Rock	GA 34 37 51	84 29 31	-951030MD	APP		1.850	179	332.5	144.84	42.0	102.84
FM 263C	WSSLFM	Gray Court	SC 34 34 19	82 6 41	BMLH-930820KC	LIC		100.000	378	50.8	194.79	176.0	18.79 CLOSE
FA 263C		Anniston	AL 33 37 38	85 53 25	-	USED		.000	0	275.5	198.60	176.0	22.60
G	Coordinates updated from LIC record BLH890803KB												
FA 263C		Gray Court	SC 34 34 19	82 6 41	-	USED		.000	0	50.8	194.79	176.0	18.79 CLOSE
G	Coordinates updated from LIC record BLH820512AL												
FR 263C		Anniston	AL 33 37 38	85 53 25	-	DEL		.000	0	275.5	198.60	176.0	22.60
R	Application for review pending												
FR 263C1		Sandy Springs	GA 33 47 3	84 24 50	-	ADD		.000	0	299.7	69.68	144.0	-74.32 Note <1>
R	Site restriction 16 km (9.9miles) south-Application for Review pending												
FM 263C	WHMAFM	Anniston	AL 33 37 38	85 53 25	BLH-890803KB	LIC		100.000	348	275.5	198.60	176.0	22.60
FM 263A	WXR	Swainsboro	GA 32 34 52	82 23 14	BMLH-921120KD	LIC		3.000	91	127.5	162.13	89.0	73.13
FA 263A		Swainsboro	GA 32 34 52	82 23 14	-	USED		.000	0	127.5	162.13	89.0	73.13
R	Effective 25-11-91-Reserved for WXR per D89-418												
FA 264A		Milledgeville	GA 33 5 24	83 6 4	-	USED		.000	0	124.9	74.80	142.0	-67.20 SHORT
R	allotment downgraded from class C3 effective 10-22-96												
FA 264A		Cuthbert	GA 31 46 12	84 47 30	-	VACANT		.000	0	207.3	212.56	142.0	70.56
G	** Needs new filing window opened before applications can be accepted for												
FM 264A	WLRR	Milledgeville	GA 33 6 50	83 13 8	BMLH-950804KF	LIC		3.000	100	128.6	64.41	142.0	-77.59 SHORT
FR 264A		Cusseta	GA 32 18 18	84 46 30	RM-8429	ADD		.000	0	216.3	160.93	142.0	18.93 CLOSE
R	PRM-Counterproposal												
FM 264C	WUSY	Cleveland	TN 35 12 26	85 17 10	BLH-890711KC	LIC		100.000	363	324.4	237.92	237.0	.92 CLOSE
FA 264C		Cleveland	TN 35 8 59	85 1 24	-	USED		.000	0	328.4	219.09	237.0	-17.91 SHORT
G	Coordinates updated from LIC record BLH820331AL												
FM 264D	WGHRFM	Marietta	GA 33 56 22	84 31 12	BPED-960111LR	CP		.017	47	306.4	87.25	.0	87.25
G	From Channel 273												
FR 264A		Cuthbert	GA 31 46 12	84 47 30	RM-8429	DEL		.000	0	207.3	212.56	142.0	70.56
R	PRM-Counterproposal												
FR 264A		Lineville	AL 33 13 15	85 49 35	-	ADD		.000	0	262.2	194.48	142.0	52.48
R	Site restriction 12.1 km (7.5 miles) southwest-Application for review												

Table 1
Page 2 of 2

Study Name: WLRR-C3 Date: 12/ 5/1996 Time: 8:37
Covington, GA Date of Data Base: 11/27/96
ZONE 2
Channel: 264C3 Section 73.207 Spacings
Latitude: 33 28 34
Longitude: 83 45 34
Translators Not Included
Nearest FOB Station or Quiet Zone: Powder Springs, GA 99.17 Km 296.0 Deg.

SER	CHAN	CALL	CITY AND STATE	LATITUDE	LONGITUDE	FILE NO	STATUS	ERP	HAAT	BEAR	DIST	REQD	CLEAR
FM 265A	WCJMFH	West Point	GA 32 53 48	85 9 24	BLH-941017KC	LIC		6.000	54	244.0	145.29	89.0	56.29
FM 265A	WPGAFM	Perry	GA 32 33 20	83 44 14	BPH-951013IC	CP		5.300	106	178.8	102.11	89.0	13.11 CLOSE
FM 265A	WLYU	Lyons	GA 32 6 48	82 23 52	BLH-890124KB	LIC		3.000	100	139.6	197.76	89.0	108.76
FM 265A	WPGAFM	Perry	GA 32 33 20	83 44 14	BLH-840511DN	LIC		2.250	108	178.8	102.11	89.0	13.11 CLOSE
FA 265A		Perry	GA 32 33 20	83 44 14	-	USED		.000	0	178.8	102.11	89.0	13.11 CLOSE
	G	Coordinates updated from LIC record BLH840511DN											
FA 265A		Waynesboro	GA 33 5 15	82 2 17	-	USED		.000	0	104.6	166.05	89.0	77.05
	G	Coordinates updated from LIC record BLH871203KA											
FA 265A		West Point	GA 32 53 42	85 9 32	-	USED		.000	0	244.0	145.56	89.0	56.56
	G	Coordinates updated from LIC record BLH6035											
FA 265A		Lyons	GA 32 6 48	82 23 52	-	USED		.000	0	139.6	197.76	89.0	108.76
	R	Effective 11-3-89-Rsvd for WLYU per D88-460											
FM 265A	WAEJ	Waynesboro	GA 33 10 42	81 59 24	BLH-901220KC	LIC		6.000	100	100.9	168.03	89.0	79.03
	G	Commerical Channel Operating Educational											
FA 266A		Thomaston	GA 32 54 8	84 23 13	-	USED		.000	0	222.6	86.46	42.0	44.46
	R	Site Restricted-Effective 9-10-93-Reserved For WTGA Per D92-227											
FA 266C		Anderson	SC 34 38 51	82 16 13	-	USED		.000	0	46.1	189.16	96.0	93.16
	G	Coordinates updated from LIC record BLH870204LD											
FM 266A	WTGAFM	Thomaston	GA 32 51 49	84 25 10	BLH-950818KD	LIC	*	6.000	94	222.2	91.67	42.0	49.67
FM 266C	WROG	Anderson	SC 34 38 51	82 16 13	BLH-870204LD	LIC	D	100.000	301	46.1	189.16	96.0	93.16
FM 267C2	WQIL	Chauncey	GA 32 13 1	83 13 32	BMPH-940822IB	CP MOD	*	33.000	126	160.2	148.31	56.0	92.31
FA 267C2		Chauncey	GA 32 16 3	83 6 26	-	USED		.000	0	155.4	147.28	56.0	91.28
	R	Site Restricted-Effective 11-3-89											

END OF STUDY

Note <1> : The proposed allotment of Channel 263C1 at Sandy Springs, GA, is no longer valid. See Engineering Statement.

PAGE 3123 OF SERVICE FM

BAPS FACILITY/APPLICATION INFORMATION REPORT FROM 01/01/1939 TO 10/26/1996 BAPJ20-01
PAGE 3123

APP-ARM CP-APP-ARM	TYPE	REC'D	ACCEPT	PM-ACC	PETITN	LOCREL	CUTOFF	TOMEAR	FRHEAR	FINAL-DTE	DOCKET	PRIOR-ARM	#AMD	CP-EXP
960201YI	R	960201	960201	960304							65			
960126IF	P	960126	960319	960322						960614	60			971214
890127VA	R	890127	890127	890223						890524	60			
830523GL	AL	830523	830524	830607						830714	60			
821004GV	AL	821004	821005	821013						821019	60			
820128F5	R	820128	820128	820205						820518	60			
790619AC	L	790619								820423	60			
781005AJ	MP	781005								781206	60			
10053	P	760630								780316	60			

WSSL-FM SFX	BROADCASTING	OF S.C.	(WSSL GRAY COURT	SC	*100.5MHZ	*TYPE H	*STAT 15	*EXP 021201	*PC WSSL	960315
950801C4	R	950801	950801	950818		960315	60			
950227G1	AL	950227	950227	950315		950315	60			
940124G2	TC	940124	940124	940217		940302	60			
930820KC	ML	930820	930820	930914		931222	60			951201
930706G1	TC	930709	930709			930727	60			
930607JC	P	930607	930607	930621		930806	60			960206
930111K6	L	930111	930305	930310		930422	66			
930108JB	P	930108	930108	930121		930331	60			930531
920511JL	P	920511	920511	920520		920630	60			921230
920312HI	TC	920312	920312	920325	920424	921007	60			

PETITION FOR RECONSIDERATION FILED 930218 APPLICATION FOR REVIEW IS DISMISSED/PER:180093-JR
 PLEADING 921229 REQUEST TO DISMISS APP FOR REVIEW FILED BY MICHAEL R. EWING
 PLEADING 921204 REPLY 2 OPPOS. 2 APPLICATION 4 REVIEW FLD BY: MR. EWING
 PLEADING 921123 OPP TO APPLICATION FOR REVIEW FILED BY "CF MEDIA, INC"
 PETITION FOR RECONSIDERATION FILED 921106 APPLICATION FOR REVIEW FILED BY MICHAEL R. EWING
 PLEADING 920519 REPLY BY OPPOSITION TO PETITION FILED BY MICHAEL P. EWING
 PLEADING 920507 OPPOS. TO PET. TO DENY FLD BY: CF MEDIA, INC.
 PETITION TO DENY 920424 PETITION TO DENY FILED BY MICHAEL R. EWING

90021213	P	900212	900316	900321	901017	901109	60	1	920509
PLEADING				901017	SUPPLEMENT FILED BY CAPSTAR COMMUNICATIONS OF S.C., INC.				
MINOR AMENDMENT				900309	LEGAL AMENDMENT (AMENDMENT FILE NO. 900309IA).				
891020GR	AL	891020	891020	891106		891109	60		
890522G2	AL	890522	890522	890601	890627	890712	60		
880727YF	R	880727	880727	880804		881117	60		
851021HC	AL	851021	851022	851028		851224	60		
850109NS	TC	850109	850111	850116		850123	60		
820609AE	L	820609	820609	820618		830725	60		
820512AL	L	820512	820512	820524		830516	60		
820301BC	ML	820301	820311		820926	820415	60		
PLEADING				820926	MOTION FOR WITHDRAWAL				
820301AK	ML	820301	820301	820315		820526	60		
820115AK	MP	820115	820115	820128		820222	60		
811020AP	ML	811020	811020	811104		811125	60		
810731UV	R	810731	810731	810922		811120	60		
810504FM	AL	810504	810604	810609		810716	60		
800821AE	P	800821	800821	800910		810217	60		820217
780726UQ	R	780726	780726			781128	60		
771028AA	ML	771028				821020	67		

WSSN	WEST VIRGINIA RADIO CORPORATION WESTON	WV	*102.3MHZ	*TYPE H	*STAT 15	*EXP 021001	*PC	950922
950525YK	R	950530	950530	950616		950922	60	

Attachment 2



PUBLIC NOTICE

Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

News media information 202/632-5050. Recorded listing of releases and texts 202/632-0002.

42633

Attachment 3

REPORT NO. 15782

BROADCAST APPLICATIONS

April 18, 1994

STATE	FILE NUMBER	CALL LETTERS	APPLICANT + LOCATION	NATURE OF APPLICATION
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COMMERCIAL TV BROADCAST STATION APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING

PA BRCT	-940407KF	WTVF	READING BROADCASTING, INC.	READING, PA	RENEWAL OF LICENSE
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VHF TRANSLATOR STATION APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING

MT BRTTV	-940407IA	K11CM	PARK NON-PROFIT TV, INC.	LIVINGSTON, MT	RENEWAL OF LICENSE
MT BRTTV	-940407IB	K13DJ	PARK NON-PROFIT TV, INC.	LIVINGSTON, MT	RENEWAL OF LICENSE

NON-COMMERCIAL EDUCATIONAL FM APPLICATIONS FOR LICENSE OR LICENSE MODIFICATION ACCEPTED FOR FILING

AZ BLEB	-940228KC	KWFH 90.9MHZ	DESERT VIEW BAPTIST CHURCH PARKER, AZ	LIC TO COVER (BPED-930408IE) FOR CHANGES
GU BLEB	-940229KD	KPRG 89.3MHZ	GUAM EDUCATIONAL RADIO FOUNDATION AGANA, GU	LIC TO COVER (BPH-920228MJ AS MOD) FOR A NEW STATION
UT BLEB	-940121KD	DKCWA 92.5MHZ	COMMUNITY WIRELESS OF PARK CITY, INC COALVILLE, UT	LICENSE TO COVER (BPH-871005MH) FOR NEW STATION

FM BROADCAST STATION APPLICATIONS PLEADING

TX BALH -9312200G KWSH HARMON G. HUSBANDS, RECEIVER
104.1MHz SHERMAN, TX

VOL AL FROM HARMON G. HUSBANDS, RECEIVER TO DURANT BROADCASTING CORPORATION FORM 314
ATTY (ASNR) HARRY C. MARTIN ATTY (ASNE) RICHARD W. REHL
ASNE ADDRESS: P.O. BOX 190, DURANT, OK 74702-0190
PET. TO DENY FLD ON: 2/23/94

VA BPH -8911091D WREL-FM EQUUS COMMUNICATIONS, INC.
96.7MHz BUENA VISTA, VA

CP TO MAKE CHGS; CHG ERP: 10 KW (HBV); HAAT: 150 METERS HBV;
TL: 1.9 KM EAST OF ALTO, AMHERST COUNTY, VIRGINIA; CLASS:B1
(PER NW DKT. #88-520)

FM BROADCAST STATION APPLICATIONS PETITION FOR RECONSIDERATION FILED

CA BPH -870313NW DKSSI SOUND ENTERPRISES
102.7MHz CHINA LAKE, CA

CP FOR NEW FM ON: FREQUENCY: 102.7 MHz, # 274; ERP: 3.0 KW
HBV; HAAT: -20 METERS HBV; TL: ON SOUTH SIDE OF RIDE OF
RIDGECREST-INYOKERN ROAD, 0.1 MILE WEST OF NORTH NORMA ST.,
RIDGECREST, CA; SL/RC: T.B.D. 35 39 05 117 40 49

FM BROADCAST STATION APPLICATIONS APPLICATION COMMENT

AL BPH -890216MA WTAK-FM GRIFFITH BROADCASTING, INC.
106.1MHz HARTSELLE, AL

CP FOR NEW FM ON; FREQUENCY: 103.1 MHz; ERP: 3.0 KW (HBV);
HAAT: 100 METERS (HBV); 34 28 54 86 51 36

CA BPH -9110091D KSOQ COYOTE COMMUNICATIONS, INC.
98.1MHz MORGAN HILL, CA

CP TO MAKE CHANGES: ERP: 1.0 KW (HBV)

NH BPH -910228NB DKMYT JEFF AND JOELLA THOMAS, JT TENANTS
102.9MHz KIRTLAND, NH

CP FOR A NEW FM STATION ON: FREQUENCY 102.9 MHz; ERP: 96 KW
HBV; HAAT: 311 METERS HBV; 36 48 40 107 53 49

SC BPH -9002121B WSSL-FM SFX BROADCASTING OF S.C. (WSSL), INC
100.5MHz GRAY COURT, SC

CP TO MAKE CHGS; CHG ERP: 83 KW (HBV); HAAT: 363 METERS
(HBV); TL: APPROXIMATELY 4 KM ESE OF WOODRUFF, NORTH OF
ROUTE 146, SPARTANBURG CO., SC; CHG TO CLASS C1
CONSTRUCTION PERMIT IS HEREBY CANCELLED 9/19/91.
CANCELLING OF YOUR CONSTRUCTION PERMIT IS HEREBY RESCINDED
& CONSTRUCTION PERMIT IS HEREBY REINSTATED 10-4-91.
*CP CANCELLED ON: 4-11-94

- O V E R -

Attachment 3, p. 2

CERTIFICATE OF SERVICE

I, Deborah N. Lunt, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that true copies of the foregoing "Petition for Rulemaking" were sent this 23rd day of December, 1996, by first class United States mail, postage prepaid, to the following:

Timothy E. Welch, Esquire
Dean, George, Hill & Welch
1330 New Hampshire Avenue, NW
Suite 113
Washington, DC 20036

Bruce A. Eisen, Esquire
Kay, Scholer Fierman, Hays & Handler
901 15th Street, NW
Suite 1100
Washington, DC 20005

Eric L. Bernthal, Esquire
Latham & Watkins
1001 Pennsylvania Avenue
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Washington, DC 20004-2505

Roy R. Russo, Esquire
Cohn & Marks
1333 New Hampshire Avenue, NW
Suite 600
Washington, DC 20036-1573



Deborah N. Lunt